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## Phosphate Dispersal Called Gamble

By STEVEN ISBITTS [sisbitts@tampatrib.com](mailto:sisbitts@tampatrib.com)

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**TAMPA** - It might be impossible to find an environmental expert who does not believe it is a big gamble to disperse more than 500 million gallons of treated **phosphate** wastewater with elevated levels of nitrogen and ammonia into the Gulf of Mexico.

"Among other things, it could cause harmful algae blooms including red tide, mats of plankton and discolored water," said Mitch Roffer, chief biologist with Roffer's Ocean Fishing Forecasting Service of Miami, which has done research for the National Aeronautics and Space Administration.

"Or it could be a bonus for the Gulf, with nutrient-enriched water creating new fish concentrations. There could even be varied results in different areas. Every mass of water is different."

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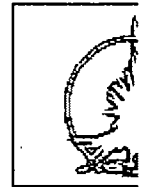
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There never has been a widespread dispersal of treated **phosphate** wastewater into the Gulf, so there is no available data to convince experienced fishermen, spongers and others interested in the purity of the water that it's safe undertaking.

That explains the increasing outcry against the U.S. Environmental Protection Agency's emergency permit to pump 537.4 million gallons of treated wastewater from Mulberry Corp.'s defunct Piney Point **phosphate** plant in Manatee County into seagoing barges, haul it into the Gulf and spray it into an area about 40 miles off Tarpon Springs.

The Florida Department of Environmental Protection is charged with executing the permit, issued April 9 in response to the threat that Piney Point's wastewater storage ponds were in danger of overflowing highly toxic untreated chemical waste into Bishop's Harbor, subsequently contaminating Tampa Bay.

A significant rainfall at Piney Point, similar to the more than 16 inches that fell there in December, could force the wastewater into waterways.

After completing a 2-mile pipeline from Piney Point to Port Manatee last week, the DEP nearly is ready for the first of hundreds of dispersal trips.

"We got the product pipelines cleaned and tested faster than we thought," said Joe Bakker, head of the DEP's bureau of mine reclamation. "Our contract for the barge is still being negotiated, but we are planning for its arrival within two weeks."

The timetable is frustrating many concerned about the dispersal's safety. Some question whether the DEP and EPA are pursuing other remedies, such as sending treated wastewater to commercial incinerators or municipal reclaimed water distribution systems.

"It's really almost unthinkable that we're in a situation where this is close to happening without alternatives having been more strongly considered by the government," said Bob Spaeth, director of the Southern Offshore Fishing Association, who is leading what he called the "dumping coalition," representing industries opposed to the dispersal.

"We agree completely that there is a real potential emergency situation," Spaeth said. "And a couple of weeks ago we submitted a summary of our concerns and recommendations to the DEP in hopes of working with them to ensure the safety of the dumping."

Phil Coram, a DEP manager, said his agency wants to work with Spaeth's group but hasn't scheduled a meeting.

Coram said the DEP agreed to pay for Spaeth's group to hire a scientific team to study the dispersal plan but has not said how much it will invest in an independent review.

"We're waiting for them," said Spaeth, who said his group has selected Roffer's firm to lead the review.

"The way the government throws around money, there should be no resistance in meeting our demands for monitoring this. We want to work with them, but there are other remedies," he said.

Other fixes Spaeth refers to involve legal actions. Spaeth, along with Henry Ross of Tarpon Springs, a commercial sponge diver, has retained Terrell Arline, a Tallahassee land-use and environmental lawyer.

Arline said he is focusing on the EPA permit. He said the EPA's proposed area to dump the wastewater likely violates ocean dumping statutes.

"The statute speaks to dumping whatever is subject to the permit beyond the continental shelf, which is about 140 miles [offshore] in much deeper water," Arline said.

"Theoretically, we could go to federal court and get an injunction on that alone. ... There are plenty of legal hooks if we need them."

Arline says the first step he advises for Spaeth's group is one that has been taken by Ross. About three weeks ago, Ross filed a petition with the EPA to set aside or modify the permit and request an informal public hearing, which the EPA could set in early July.

"The ocean statute has a process in it for citizen enforcement," Arline said.

"If a hearing is mandated at this point in the dumping plan, it could draw a lot of people protesting and put on a lot of pressure."

Litigation might delay the Gulf dispersal, but it won't rectify the emergency situation at Piney Point.

Reporter Steven Isbitts can be reached at (727) 799-7413.

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